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Attorneys for Plaintiff
ROBIN JOHNSON as successor in interest of
decedent STEPHEN WILSON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBIN JOHNSON as successor in interest of
decedent STEPHEN WILSON,

Plaintiff,

v.

COUNTY OF ALAMEDA; COUNTY OF
ALAMEDA BOARD OF SUPERVISORS,

Defendants.

Case No. 4:22-cv-06671-DMR

**STIPULATION TO MODIFY
SCHEDULING ORDER AND ORDER (AS
MODIFIED)**

Hon. Donna M. Ryu

1 The parties in the above-captioned matter, by and through their counsel of record, hereby represent
2 to the Court as follows:

3 On October 28, 2022, Plaintiff filed their Complaint in the United States District Court, Northern
4 District of California.

5 The COUNTY OF ALAMEDA and COUNTY OF ALAMEDA BOARD OF SUPERVISORS
6 (hereinafter, “Defendants”) were served with Plaintiff’s Complaint on November 28, 2022.

7 Defendants filed their responsive pleading on January 17, 2023 by stipulation of the Parties.

8 On February 7, 2023, Plaintiff filed his First Amended Complaint.

9 Defendants filed their answer on February 21, 2023.

10 An initial case management conference was held on June 7, 2023, at which time Plaintiff’s counsel
11 notified the Court that Plaintiff was deceased, and Plaintiff’s counsel was attempting to locate a successor
12 in interest. (ECF No. 33).

13 On October 4, 2023, the Court held a further case management conference and granted Plaintiff’s
14 motion to substitute Robin Johnson as successor in interest to Stephen Wilson. The Court issued the
15 following scheduling order (ECF No. 45):

16 All non-expert discovery shall be completed no later than December 17, 2024;

17 Initial expert disclosures shall be made by no later than December 17, 2024;

18 Rebuttal expert disclosures shall be made by no later than December 31, 2024;

19 All expert discovery shall be completed no later than January 14, 2025;

20 Last day to hear dispositive motions shall be February 13, 2025;

21 Pretrial Conference on April 30, 2025;

22 Jury trial beginning on May 12, 2025.

23 The Court referred the Parties to mediation through the Northern District of California ADR
24 Program, to be completed by October 31, 2024. (ECF No. 45)

25 On January 23, 2024, Defendants served written discovery on Plaintiff. Plaintiffs served their
26 responses to Defendants’ written discovery and served responsive documents on February 22, 2024.

27 On January 29, 2024, the Court vacated the case management conference and extended the deadline
28 to complete mediation to February 17, 2025. (ECF No. 48).

1 The Parties participated in two ADR scheduling conferences with Jill Kopeikin, the ADR Program
2 Director for the Northern District, on April 16, 2024 and May 14, 2024.

3 In May 2024, the Parties began discussing the possibility of early resolution of this case and
4 deferring additional discovery so that the Parties can attempt to resolve the case before significant fees and
5 costs are expended litigating this case.

6 Based on the experience of counsel, who have litigated similar cases involving similar claims and
7 evidence, including a prior similar case between the parties, these cases require a substantial amount of
8 attorney time to work up.

9 The parties have now reserved mediation with the Hon. Peter D. Lichtman (Ret.) to take place on
10 October 4, 2024, subject to this Court's agreement to grant the stipulated request to modify dates. Under
11 the current scheduling order, the Parties would not be able to defer significant discovery until after
12 mediation occurs, because discovery in this case cannot be completed in the two months between the
13 current agreed upon mediation date and the close of fact discovery. In addition, the current deadline for
14 expert disclosures would not leave sufficient time for experts to review depositions and evidence and
15 prepare reports, if the Parties deferred such work until after mediation. In the experience of counsel based
16 on similar cases, multiple experts will be retained in this case on each side at considerable expense.

17 Because attorney time spent litigating these cases substantially increases attorney's fees and
18 significantly impedes the prospects for settlement, the Parties discussed deferring non-essential discovery
19 until after mediation can be attempted.

20 Due to the County's reporting requirements, party and counsel availability and mediator
21 availability, the first available dates for which a meaningful mediation can occur are in early October.

22 The Parties have agreed to defer all depositions and further written discovery until after mediation.

23 The Parties of course recognize that the Court has already imposed an ADR deadline of February
24 17, 2025, and mediation will occur prior to that deadline, but the current scheduling order with fact and
25 expert deadlines in December would meaningfully and deleteriously impact the prospects for settlement.

26 The Parties have agreed that the prospects of resolving this matter at mediation will be significantly
27 enhanced if current case deadlines are continued 60 days, which would allow the Parties to focus time and
28 resources on resolving the case prior to incurring significant attorneys' fees on additional discovery,

depositions, retention of experts, and motion practice.

In order to meaningfully participate in mediation, the Parties propose the following modified schedule:

Event	Current Deadline	Deadline as Modified
Fact discovery cut-off	December 17, 2024	February 18, 2025 February 25, 2025
Expert disclosures	December 17, 2024	February 18, 2025 February 25, 2025
Expert rebuttal	December 31, 2024	March 4, 2025 March 11, 2025
Expert discovery cut-off	January 14, 2025	March 18, 2025 March 25, 2025
Dispositive motion hearing deadline	February 13, 2025	April 17, 2025 April 24, 2025 at 1:00 p.m.
Pretrial conference	April 30, 2025	July 2, 2025 July 9, 2025 at 2:00 p.m.
Jury Selection and Jury Trial	May 12, 2025	July 14, 2025 July 21, 2025 at 8:30 a.m.

The Parties request that the current case management conference set for September 18, 2024 be reset for ~~November 6, 2024~~ **December 4, 2024 at 1:30 p.m.** in Oakland, by Videoconference only. Parties shall file an updated joint case management conference statement by November 27, 2024.

It is so stipulated and agreed **and modified**.

Dated: June 25, 2024

SPERTUS, LANDES & UMHOFFER, LLP

By: /s/ James Spertus

James Spertus

Lindsey Hay

Attorneys for Plaintiff

ROBIN JOHNSON

Dated: June 25, 2024

ROBYN FASS WANG

By: /s/ Robin Fass Wang

Robyn Fass Wang

Attorney for Plaintiff

ROBIN JOHNSON

1 Dated: June 25, 2024

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

3 By: /s/ Ilana Kohn

4 Michael Wenzel

Ilana Kohn

Kara Goidosik

Attorneys for Defendant

COUNTY OF ALAMEDA

8 **ATTORNEY ATTESTATION**

9 I, Ilana Kohn, am the ECF user whose identification and password are being used to file the
10 foregoing documents. Pursuant to Civil Local Rule 5.1(i), I hereby attest that concurrence in the filing of
11 these documents has been obtained from each of its Signatories.

13 Dated: June 25, 2024

By: /s/ Ilana Kohn

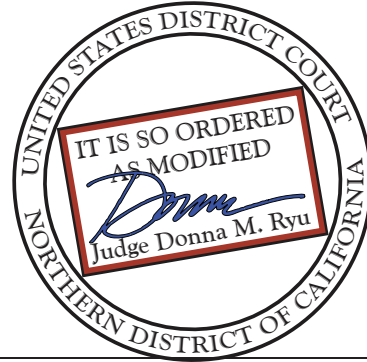
Ilana Kohn

ORDER (AS MODIFIED)

GOOD CAUSE APPEARING THEREFORE, and the parties' having stipulated to the same, the parties' stipulation to modify scheduling order is granted **as modified**.

IT IS SO ORDERED AS MODIFIED.

Dated: June 27, 2024



HON. DONNA M. RYU
CHIEF MAGISTRATE JUDGE